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OFFICE OF PETITIONS

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|----------------------------|---|-------------------|
| In re Application of | : | |
| Gordon et al. | : | |
| Application No. 09/930,662 | : | DECISION GRANTING |
| Filed: August 15, 2001 | : | PETITION |
| Attorney Docket No. | : | |
| 47586/P055US/10025093 | : | |

This is a decision on the petition filed September 28, 2001, to accord the above-identified application a filing date of August 15, 2001.

On August 15, 2001, the application was filed.

On September 24, 2001, the Office of Initial Patent Examination mailed a Notice stating that drawings were not present and that a filing date had not been accorded and the filing date would be the date of receipt of drawings.

In response, the present petition was filed alleging that drawings were deposited on August 15, 2001. In support, petitioner has submitted a postcard receipt which acknowledges receipt of "Drawings (3 pages)" on August 15, 2001.¹ Petitioner has also submitted a copy of the missing documentation- three pages of drawings.

Upon review of the record, the drawings, deposited on August 15, 2001, have not been located. However, the evidence is convincing that the application papers deposited on August 15, 2001, included three sheets of drawings, and that the drawings were subsequently misplaced in the PTO. Therefore, the application is complete and entitled to a filing date of August 15, 2001.

In view of the above, the petition is **granted**. The copy of the three pages of drawings submitted with the petition will be used for examination purposes.

The petition fee will be scheduled to be refunded.

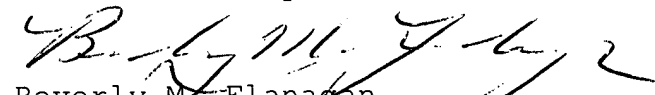
¹ Evidence of receipt of any correspondence filed in the Patent and Trademark Office can be obtained by submitting a self addressed post card properly itemizing and identifying the paper or papers being filed. Upon receipt of the correspondence, the Patent and Trademark Office will check the listing on the post card against the papers submitted, making sure that all items listed are present and will then stamp the postcard with an Official date stamp and place the post card in the outgoing mail. "A post card receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all items listed thereon by the PTO." M.P.E.P. § 503.

The Notice mailed September 24, 2001, was sent in error and is hereby vacated.

In the future, petitioner should note that when a new application is being filed, all parts of the application being submitted should be separately listed on the postcard, e.g., the number of pages of specification (including written description, claims and abstract), number of claims, number of sheets of drawings, and number of pages of oath/declaration. The instant postcard does not provide the number of pages of specification, number of claims, or number of pages of oath/declaration.

The Application is being returned to the Office of Initial Patent Examination for further processing with a filing date of August 15, 2001, using the application papers filed on August 15, 2001, and the copy of three sheets of drawings filed on September 28, 2001.

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (703) 306-5683.


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Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy